

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**NINO MARTINENKO, on behalf of herself and others
similarly situated,**

Civil Action No.: 22 CV 518

Plaintiff,

-against-

212 STEAKHOUSE, INC., and NIKOLAY VOLPER

Defendants.
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NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Declarations of Nino Martinenko, Dagmara Huk, Michael DiGiulio and exhibits thereto, Plaintiffs shall move the Court at such date and time as counsel may be heard to grant the following relief:

- (1) Pursuant to Fed. R. Civ. P. 23, certify a Class defined as all tipped employees – servers, runners, bussers, and bartenders – who worked for Defendants at any time on or after January 20, 2016 at 212 Steakhouse; appoint Nino Martineko and Dagmara Huk as Class Representatives; appoint Plaintiffs’ counsel as Class Counsel; order Defendants to produce to Plaintiffs a Microsoft Excel list, in electronic format, of all Class Members’ names, last known address, all known telephone numbers, dates of employment, and job titles; and authorize the mailing of the proposed Notice to all Class Members; or, in the alternative,
- (2) Pursuant to Fed. R. Civ. P. 15, 20, 21, permit Plaintiffs to amend the complaint to join Opt-In Plaintiff Dagmara Huk as a named Plaintiff.

Dated: New York, NY
December 9, 2022

By: /s/ Michael DiGiulio
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*Attorneys for Plaintiff, Opt-In Plaintiff, and proposed
Class*